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Attorneys for Plaintiff and Real Party in Interest

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL CHURCH

FOURSQUARE GOSPEL,

Plaintiff,

v.

CITY OF SAN LEANDRO, MICHAEL)

J. GREGORY (in his official capacity),)

SURLENE G. GRANT(in her official)

capacity), DIANA M. SOUZA(in her) Date: September 5, 2007

official capacity), JOYSE R.) Time: 9:00 a.m.

STAROSCIACK (in her official) Courtroom: 3

capacity), BILL STEPHES (in his) Hon.: Phyllis J. Hamilton

DECLARATION JAMES LEE

1 official capacity), JIM PROLA (in his)
2 official capacity), JOHN JERMANIS(in)
3 his official and individual capacities),)
4 DEBBIE POLLART (in her official and)
5 individual capacities), DOES 1-50,)
6 Defendants.)
7 FAITH FELLOWSHIP FOURSQUARE)
8 CHURCH,)
9 Real Party in Interest.)

10 I, James M. Lee, do hereby declare as follows:

11 1. That if called upon, I could and would testify truthfully, as to my own
12 personal knowledge, as follows:

13 2. Since 2002 I have been the Facilities Manager at Faith Fellowship
14 Church.

15 3. The purpose of this declaration is to inform the court as to what
16 happened relative to the Conditional Use Permit's ("CUP") "additional information"
17 request by San Leandro. We received the City "additional information" request in
18 very late April 2007. Our proposal to rezone the Catalina property to Assembly Use
19 Overlay District had already been scheduled for City Council public hearing on May
20 7, 2007. The processing scenario described by Ms. Pollart, Planning Manager, to
21 the Planning Commission was that the CUP would be processed after the Catalina
22 site was rezoned to the Assembly Use Overlay District. After Council denial of our
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DECLARATION JAMES LEE

1 rezoning request, we determined that attempting to get the City to process the CUP
 2 processed as an "entertainment use" (an similar impact assembly use allowed by
 3 CUP in the Industrial Park zoning district) would be a futile act unless and until a
 4 court orders San Leandro to treat this religious use equally to an "entertainment use"
 5 by processing the Conditional Use Permit. We stand ready to provide the
 6 additional information requested by the City in its April 25, 2007 letter as soon as
 7 the Court directs the City to process that CUP application.
 8
 9

10 I declare, under penalty of perjury under the laws of the State of California
 11 and the United States of America, that the foregoing is true and correct and is of my
 12 own personal knowledge, and indicate such below by my signature executed on this
 13 22nd day of August, 2007, in the County of Alameda, City of San Leandro.
 14
 15
 16

17 /S/ Jim Lee
 18 Jim Lee, Declarant

19
 20 **Attorney Attestation re Signature**

21 I hereby attest that I have on file all holograph signatures for any signatures
 22 indicated by a "conformed" signature (/S/) within this efiled document.

23 /S/ Kevin Snider
 24 Kevin T. Snider
 25 Mathew B. McReynolds
 26 Peter D. MacDonald
 27 Attorneys for Plaintiff and
 28 Real Party in Interest